

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: HEDMAN et al.

Serial No.: 10/014,727

Filed: December 10, 2001

Title: METHOD OF KILLING ORGANISMS
AND REMOVAL OF TOXINS IN
ENCLOSURES

Art Unit: 3643

Examiner: Kurt C. Rowan

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Appeal Brief mailed October 23, 2009, the period for response to which has been extended to December 23, 2009, please consider the following amendments and remarks.

AMENDMENTS

Please replace the "Grounds of Rejection to be Reviewed on Appeal" Section on page 3 of the Appeal Brief filed on November 19, 2008, with the following rewritten Section.

Grounds of Rejection to be Reviewed on Appeal

The Appellants address the following issues in the arguments presented below with respect to the pending claims:

1. Whether Claims 18, 20 and 26 are patentable under 35 U.S.C. § 103(a) over Forbes (U.S. Pat. No. 4,817,329) in view of either Brenner et al. (U.S. Pat. No. 5,806,238 ("Brenner") or Montellano (U.S. Pat. No. 1,885,854).
2. Whether Claims 19, 22 and 30 are patentable under 35 U.S.C. § 103(a) over Forbes in view of Brenner.
3. Whether Claims 20, 28, 29, 51, 52, 54 and 55 are patentable under 35 U.S.C. § 103(a) over Forbes in view of either Brenner or Montellano.
4. Whether Claims 21, 23, 47 and 48 are patentable under 35 U.S.C. § 103(a) over Forbes in view of either Brenner or Montellano.
5. Whether Claims 27, 36-40, 42, 43, 49 and 53 are patentable under 35 U.S.C. § 103(a) over Forbes in view of either Brenner or Montellano.
6. Whether Claims 44-46 and 50 are patentable under 35 U.S.C. § 103(a) over Forbes in view of either Brenner or Montellano.


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REMARKS

In view of the amendments, Applicants respectfully submit that the Appeal Brief is now in compliance with 37 C.F.R. § 41.37. To the extent necessary, Applicants petition the Commissioner for a one-month extension of time, extending to December 23, 2009, the period for response to the Office Action dated October 23, 2009. The Commissioner is authorized to charge \$65 for the Petition for a one-month extension of time, pursuant to 37 C.F.R. § 1.17(a)(1), and any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,

Date: December 1, 2009


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